IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : January 19, 2007

Chirag Din ....Petitioner

versus

State of Punjab and others ....Respondent

Coram: Hon'ble Mr. Justice Virender Singh

Present : None for the petitioner

Judgment

Vide impugned judgment of learned Additional Sessions Judge, (Adhoc), Jalandhar, dated 7.6.2006, respondents were acquitted in case FIR No. 37 dated under sections 364, 452, 465, 323, 427, 325, 148, 149 IPC, P.S.Shahakot.

The conceded position is that the State of Punjab has not preferred any appeal against the aforesaid judgment as is clear from the certificate issued by the office of Advocate General, Punjab.

Learned counsel for the petitioner has not come present, so was the position even on the last date of hearing. Therefore, I have gone through the impugned judgment myself very minutely. Grounds of revision

also perused.

I do not feel the necessity of reproducing the prosecution case once again as it is already reflected in detail in the impugned judgment itself.

In my view, there is no infirmity in the impugned judgment either on facts or law which would call for the interference of this Court while exercising its revisional jurisdiction. It is well reasoned one based on appreciation of entire evidence available on record.

Even otherwise, the scope of revision against the acquittal has been well discussed by the Hon'ble Apex Court in a judgment rendered in **Bindeshwari Prasad Singh alias R.P.Singh and others vs. State of Bihar (now Jharkhand) and another,** 2002(4) RCR (Criminal) 61, wherein their Lordships of the Apex Court have observed that in the absence of any legal infirmity either in the procedure or in the conduct of the trial, there was no justification for the High Court to interfere in exercise of its revisional jurisdiction. It is further observed that the High Court should not re-appreciate the evidence to reach a finding different than the one arrived at by the trial court. In the absence of manifest illegality resulting in grave miscarriage of justice, exercise of revisional jurisdiction in such cases is not warranted. It is further observed by their Lordships that in exercise of revisional jurisdiction against an order of acquittal at the instance of a private party, the Court exercises only limited jurisdiction and should not constitute itself into an appellate court which has a much wider jurisdiction to go into questions of facts and law and to convert an order of acquittal into one of conviction. It cannot be lost sight of that when a re-trial is ordered, the dice is heavily loaded against the accused, and that itself must caution the Court exercising revisional jurisdiction.

My view is also supported by another judgment of Hon'ble Apex Court rendered in **Satyajit Banerjee v. State of West Bengal** 2005 (1) RCR (Criminal) 723.

Taking into consideration the facts of the case in hand and following the ratio of law laid down by the Hon'ble Supreme Court in the aforesaid judgments, I find no substance in the instant revision petition. Consequently, the same is dismissed.

(Virender Singh)
Judge

January 19,2007
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